

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14700 of 2020

1. Namasivayam
2. Ramesh

..Petitioners

/versus/

State represented by
The Inspector of Police,
(*)Thiruverkadu Police Station
Chennai
(Crime No.91 of 2020)

..Respondent

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.91 of 2020 on the file of Respondent Police.

For Petitioners : Mr.R. Thamarai Selvan

For Respondent : Mr.M.Mohamed Riyaz
Addl Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406,420,465,468 and 471 of IPC in Crime No.91 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant viz., P. Shankar is that he was doing construction business and he approached the petitioners and other accused persons for purchase of land, who inturn have induced the defacto complainant to purchase the land by showing fabricated documents and thereby received a sum of Rs.7,00,000/- (Rupees seven Lakhs only) from the defacto complainant as advance and the same was not yet returned till now. Hence, the complaint.

3.The learned counsel for the Petitioners would submit that they are just land brokers and they have not prepared any fabricated documents and the same was prepared by the land owner and the advance amount of Rs.7,00,000/- was received by the landlord Muthu and they have received only Rs.10,000/- as commission. He further submitted that the petitioners are unnecessarily implicated in this case and the main accused persons have been arrested and released on bail. Hence, he prays to grant bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners along with other accused persons attempted to sell the property by impersonating themselves as owner of the property and also received a sum of Rs.7,00,000/- from the defacto complainant and the same was not yet returned to the defacto complainant. He would further submit that by showing fabricated documents, the petitioners induced the defacto complainant to purchase the property. Hence, he vehemently opposed to grant of bail to the petitioners.

5.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Court No II Poonamallee on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police every day at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8.With the above directions, this Criminal Original Petition is ordered.

-sd/-

24/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

(*)BEING MENTION AND FURTHER, TWO WEEKS TIME IS EXTENDED FROM THE DATE OF RECIPT OF A COPY OF THIS ORDER TO COMPLY WITH THE CONDITIONS, ORDERED AS PER ORDER OF THIS COURT DATED 07/10/2020.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, POONAMALLEE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 The Inspector of Police,
(*)Thiruverkadu Police Station
Chennai

4 INSPECTOR OF POLICE,
THIRUVERKADU WOMEN POLICE STATION,
CHENNAI.

CC to M/S R.THAMARAI SELVAN Advocate on payment of necessary charges Sr.6662

CRL OP.14700/2020

Date :24/09/2020

RVR 01/10/2020
RVR 09/10/2020

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